



Exempt Action Final Regulation Agency Background Document

Agency name	State Board of Social Services
Virginia Administrative Code (VAC) citation	22 VAC 40 -191
Regulation title	Background Checks for Child Welfare Agencies
Action title	Changes to incorporate recent changes to the Code of Virginia
Document preparation date	Enter date this form is uploaded on the Town Hall

When a regulatory action is exempt from executive branch review pursuant to § 2.2-4002 or § 2.2-4006(A) of the of the Administrative Process Act (APA) (townhall.state.va.us/dpbpages/dpb_apa.htm), the agency is encouraged to provide information to the public on the Regulatory Town Hall using this form.

Note: While posting this form on the Town Hall is optional, the agency must comply with requirements of the Virginia Register Act (leg1.state.va.us/cgi-bin/legp504.exe?000+cod+2.2-4100), the *Virginia Register Form, Style, and Procedure Manual* (legis.state.va.us/codecomm/register/download/styl8_95.rtf), and Executive Orders 21 (02) and 58 (99) (governor.state.va.us/Press_Policy/Executive_Orders/EOHome.html)

Summary

In a short paragraph, please summarize all substantive changes that are being proposed in this regulatory action.

The first change reflects a provision added to the Code of Virginia that parents and guardians may be alone with their own children in a religious exempt child day center without obtaining background checks.

The second change reflects a provision added to the Code of Virginia that a child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home or other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction.

Statement of agency final action

Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.

The State Board of Social Services took final action on 22 VAC 40-191, Background Checks for Child Welfare Agencies, on June 16, 2004.

Substance

Please detail any changes that are proposed. Please outline new substantive provisions, all substantive changes to existing sections, or both where appropriate.

For changes to existing regulations, use this chart:

Current section number	Proposed new section number, if applicable	Current requirement	Proposed change and rationale
40 B 2	40 B 2	Persons expected to be alone with an enrolled child must have background checks, except parent-volunteer	Adds provision that parents and guardians may be alone with their own children without needing to obtain background checks
40 C 2	40 C 2	Persons expected to be alone with an enrolled child must have background checks, except parent-volunteer	Adds provision at two places in this subsection that parents and guardians may be alone with their own children without needing to obtain background checks
50 A 3	50 A 3	No provision	Adds provision that child-placing agency may approve as a foster parent an applicant convicted of statutory burglary for breaking and entering a dwelling home to other structure with intent to commit larceny, who has had his civil rights restored by the Governor, provided 25 years have elapsed following the conviction.

Family impact

Assess the impact of this regulatory action on the institution of the family and family stability.

There is no impact on families because the current regulation, as implemented, does not require background checks for parents and guardians who are alone with their own children. Further, child-placing agencies still have the option to not approve a person with the referenced conviction as a foster parent.

